

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**[proposed] ORDER GRANTING PLAINTIFFS' UNOPPOSED UPDATED MOTION
FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARDS**

WHEREAS, the Court, having considered, among other things,: the Settlement Agreement dated June 24, 2016 (the “Settlement Agreement”) at D.E. # 70-1; the October 25, 2016 Amended Order Granting Preliminary Approval of the Class Settlement at D.E. # 72; Plaintiffs’ original Unopposed Motion for Attorneys’ Fees, Costs, and Service Awards along with all documents filed contemporaneously therewith [D.E. 74-76]; the Parties’ Modification and Supplement to the Settlement Agreement and Release [D.E. 84-1]; the April 3, 2017 Supplemental Notice Approval Order Granting Joint Motion to Reschedule the Final Approval Hearing and Approving Supplemental Notice [D.E. 85], and; the Plaintiffs’ Updated Unopposed Motion for Attorneys’ Fees, Costs, and Service Awards, along with all documents filed contemporaneously therewith, filed on June 1, 2017, and having held a Fairness Hearing on September 12, 2017, and having considered all of the submissions and arguments with respect to the matter, and otherwise being fully informed, and good cause appearing therefore,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Class Counsel Golomb & Honik and Trief & Olk are hereby awarded attorneys' fees in the amount of \$765,000.00, to be paid in accordance with the Settlement Agreement.

2. In evaluating Class Counsels' request for attorneys' fees, the Court finds the percentage-of-the-fund method and its application, as set forth in Plaintiffs' Unopposed Motion, proper and reasonable. *See, e.g., Goldberger v. Integrated Res., Inc.*, 209 F.3d 43, 47 (2d Cir. 2000).

3. The Court has also reviewed and considered Class Counsels' lodestar submission as a cross-check. The Court finds Class Counsel's lodestar cross-check to be fair and reasonable pursuant to the amount of work that went into the litigation of the case and Class Counsel's continued work on the administration and payment of Class Member claims and their representation of Class Members throughout this litigation, as well as the resulting "lodestar multiplier."

4. The Court further finds that litigation costs in the amount of \$35,324.12, as set forth in detail in Plaintiffs' Motions, are reasonable and fair based upon the litigation.

5. The Service Awards requested "are reasonably based on the participation" of Plaintiffs Harry Gao and Roberta Socall, the two Plaintiff Class Representatives. *Dupler v. Costco Wholesale Corp.*, 705 F. Supp. 2d 231 (E.D.N.Y. 2010). Upon consideration of Class Counsel's request for Service Awards for the Plaintiffs in this litigation, and with the acknowledgement of their efforts to come forward and act as Plaintiffs in this case, Plaintiffs are hereby each awarded a Service Award in the amount of \$7,500.00, to be paid in accordance with the Settlement Agreement.

6. Within the timeframe contemplated by the Settlement Agreement, the Escrow Agent shall distribute the attorneys' fees, costs, and Service Awards authorized and approved

herein to Golomb & Honik, P.C., who will be responsible for distributing the Service Awards to the two Plaintiff Class Representatives and for distributing the attorneys' fees and costs to Class Counsel.

IT IS SO ORDERED, this _____ day of _____, 2017.

**HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT COURT JUDGE**